



General Assembly

January Session, 2003

***Raised Bill No. 6491***

LCO No. 3368

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING NOTIFICATION TO VICTIMS OF CRIME.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 18-81e of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective October 1, 2003*):

3       [(a) For the purposes of this section, "victim" includes the legal  
4       representative of the victim or a member of the deceased victim's  
5       immediate family.]

6       [(b)] Upon the release of any person from a correctional facility,  
7       whether at the scheduled termination date of a determinate sentence or  
8       prior to such date on account of the transfer of such person to a public  
9       or private nonprofit halfway house, group home or mental health  
10      facility or approved community residence pursuant to section 18-100,  
11      the reduction of such sentence due to good conduct and obedience to  
12      rules or receipt of an outstandingly meritorious performance award, or  
13      any other early release provision, the Commissioner of Correction or  
14      his designee shall notify any victim of the crime for which such person  
15      is incarcerated of such person's release if such crime victim has  
16      requested notification and provided the commissioner with a current

17 address pursuant to section 54-228.

18 Sec. 2. Section 53a-32 of the general statutes is repealed and the  
19 following is substituted in lieu thereof (*Effective October 1, 2003*):

20 (a) At any time during the period of probation or conditional  
21 discharge, the court or any judge thereof may issue a warrant for the  
22 arrest of a defendant for violation of any of the conditions of probation  
23 or conditional discharge, or may issue a notice to appear to answer to a  
24 charge of such violation, which notice shall be personally served upon  
25 the defendant. Any such warrant shall authorize all officers named  
26 therein to return the defendant to the custody of the court or to any  
27 suitable detention facility designated by the court. Whenever a  
28 defendant has, in the judgment of such defendant's probation officer,  
29 violated the conditions of such defendant's probation, the probation  
30 officer may, in lieu of having such defendant returned to court for  
31 proceedings in accordance with this section, place such defendant in  
32 the zero-tolerance drug supervision program established pursuant to  
33 section 53a-39d. Whenever a sexual offender, as defined in section  
34 54-260, has violated the conditions of such person's probation by  
35 failing to notify such person's probation officer of any change of such  
36 person's residence address, as required by said section, such probation  
37 officer may notify any police officer that such person has, in such  
38 officer's judgment, violated the conditions of such person's probation  
39 and such notice shall be sufficient warrant for the police officer to  
40 arrest such person and return such person to the custody of the court  
41 or to any suitable detention facility designated by the court. Any  
42 probation officer may arrest any defendant on probation without a  
43 warrant or may deputize any other officer with power to arrest to do  
44 so by giving such other officer a written statement setting forth that the  
45 defendant has, in the judgment of the probation officer, violated the  
46 conditions of the defendant's probation. Such written statement,  
47 delivered with the defendant by the arresting officer to the official in  
48 charge of any correctional center or other place of detention, shall be  
49 sufficient warrant for the detention of the defendant. After making

50 such an arrest, such probation officer shall present to the detaining  
51 authorities a similar statement of the circumstances of violation.  
52 Provisions regarding release on bail of persons charged with a crime  
53 shall be applicable to any defendant arrested under the provisions of  
54 this [section] subsection. Upon such arrest and detention, the  
55 probation officer shall immediately so notify the court or any judge  
56 thereof. Thereupon, or upon an arrest by warrant as [herein] provided  
57 in this subsection, the court shall cause the defendant to be brought  
58 before it without unnecessary delay for a hearing on the violation  
59 charges. At such hearing the defendant shall be informed of the  
60 manner in which such defendant is alleged to have violated the  
61 conditions of such defendant's probation or conditional discharge,  
62 shall be advised by the court that such defendant has the right to retain  
63 counsel and, if indigent, shall be entitled to the services of the public  
64 defender, and shall have the right to cross-examine witnesses and to  
65 present evidence in such defendant's own behalf.

66 (b) Whenever a defendant has, in the judgment of such defendant's  
67 probation officer, violated the conditions of such defendant's probation  
68 or conditional discharge, upon taking any action authorized pursuant  
69 to subsection (a) of this section, the probation officer shall notify any  
70 victim of the crime for which the defendant was convicted, who has  
71 requested such notification and has provided the probation officer  
72 with a current address, of the alleged violation of the conditions of  
73 probation or conditional discharge by the defendant and the place,  
74 date and time of any hearing on the violation charges. Such notice shall  
75 be given in writing by certified mail.

76 [(b) If such violation] (c) If a violation of the conditions of the  
77 defendant's probation or conditional discharge is established, the court  
78 shall permit any victim of the crime for which the defendant was  
79 convicted to appear before the court for the purpose of making a  
80 statement for the record regarding disposition of the case under this  
81 subsection. In lieu of such appearance, the crime victim may submit a  
82 written statement to the court and the statement shall be made part of

83 the record at the hearing. After considering the crime victim's  
 84 statement, the court may: (1) Continue the sentence of probation or  
 85 conditional discharge; (2) modify or enlarge the conditions of  
 86 probation or conditional discharge; (3) extend the period of probation  
 87 or conditional discharge, provided the original period with any  
 88 extensions shall not exceed the periods authorized by section 53a-29; or  
 89 (4) revoke the sentence of probation or conditional discharge. If such  
 90 sentence is revoked, the court shall require the defendant to serve the  
 91 sentence imposed or impose any lesser sentence. Any such lesser  
 92 sentence may include a term of imprisonment, all or a portion of which  
 93 may be suspended entirely or after a period set by the court, followed  
 94 by a period of probation with such conditions as the court may  
 95 establish. No such revocation shall be ordered, except upon  
 96 consideration of the whole record and unless such violation is  
 97 established by the introduction of reliable and probative evidence and  
 98 by a preponderance of the evidence.

99 Sec. 3. Section 53a-39 of the general statutes is repealed and the  
 100 following is substituted in lieu thereof (*Effective October 1, 2003*):

101 (a) At any time during the period of a definite sentence of three  
 102 years or less, the sentencing court or judge may, after hearing and for  
 103 good cause shown, reduce the sentence, order the defendant  
 104 discharged, or order the defendant discharged on probation or  
 105 conditional discharge for a period not to exceed that to which the  
 106 defendant could have been originally sentenced.

107 (b) At any time during the period of a definite sentence of more than  
 108 three years, upon agreement of the defendant and the state's attorney  
 109 to seek review of the sentence, the sentencing court or judge may, after  
 110 hearing and for good cause shown, reduce the sentence, order the  
 111 defendant discharged, or order the defendant discharged on probation  
 112 or conditional discharge for a period not to exceed that to which the  
 113 defendant could have been originally sentenced.

114 (c) The provisions of this section shall not apply to any portion of a

115 sentence imposed that is a mandatory minimum sentence for an  
116 offense which may not be suspended or reduced by the court.

117 (d) At a hearing held by the sentencing court or judge under this  
118 section, [such] the court or judge shall permit any victim of the crime  
119 for which the defendant was convicted to appear before the court or  
120 judge for the purpose of making a statement for the record concerning  
121 whether or not the sentence of the defendant should be reduced, the  
122 defendant should be discharged or the defendant should be  
123 discharged on probation or conditional discharge pursuant to  
124 subsection (a) or (b) of this section. In lieu of such appearance, the  
125 crime victim may submit a written statement to the court or judge and  
126 the court or judge shall make such statement a part of the record at the  
127 hearing. [For the purposes of this subsection, "victim" means the  
128 victim, the legal representative of the victim or a member of the  
129 deceased victim's immediate family.]

130 (e) If no hearing is held by the sentencing court or judge under this  
131 section, the court or judge shall allow a reasonable period of time, but  
132 not less than fifteen days from the date of the defendant's application  
133 under this section, for any victim of the crime for which the defendant  
134 was convicted to submit a written statement for the record. Any such  
135 statement shall be considered by the court or judge prior to making a  
136 determination as to whether or not the sentence of the defendant  
137 should be reduced, the defendant should be discharged or the  
138 defendant should be discharged on probation or conditional discharge  
139 pursuant to subsection (a) or (b) of this section. If a hearing under this  
140 section is scheduled after receipt of such statement, the court or judge  
141 shall provide notice to the crime victim of the date, time and place of  
142 the hearing.

143 (f) The sentencing court or judge shall notify the victim of the crime  
144 for which the defendant was convicted as to the decision of the court  
145 or judge under this section, provided the crime victim has requested  
146 such notification and has provided a current address to the court or

147 judge. Such notice shall be given in writing by certified mail.

148 Sec. 4. Subsection (b) of section 54-56e of the general statutes is  
149 repealed and the following is substituted in lieu thereof (*Effective*  
150 *October 1, 2003*):

151 (b) The court may, in its discretion, invoke such program on motion  
152 of the defendant or on motion of a state's attorney or prosecuting  
153 attorney with respect to a defendant (1) who, the court believes, will  
154 probably not offend in the future, (2) who has no previous record of  
155 conviction of a crime or of a violation of section 14-196, subsection (c)  
156 of section 14-215, section 14-222a, subsection (a) of section 14-224 or  
157 section 14-227a, (3) who has not been adjudged a youthful offender  
158 within the preceding five years under the provisions of sections 54-76b  
159 to 54-76n, inclusive, and (4) who states under oath, in open court or  
160 before any person designated by the clerk and duly authorized to  
161 administer oaths, under the penalties of perjury that the defendant has  
162 never had such program invoked in the defendant's behalf, provided  
163 (A) the defendant shall agree thereto, and [provided] (B) notice has  
164 been given by the [defendant] court, on a form approved by rule of  
165 court, to [the] any victim [or victims] of such crime or motor vehicle  
166 violation, [if any,] by registered or certified mail, and such crime  
167 victim or [victims have] victim of such motor vehicle violation has an  
168 opportunity to be heard thereon. In determining whether to grant an  
169 application under this section with respect to a person who has been  
170 adjudged a youthful offender under the provisions of sections 54-76b  
171 to 54-76n, inclusive, more than five years prior to the date of such  
172 application, and notwithstanding the provisions of section 54-76l, the  
173 court shall have access to the youthful offender records of such person  
174 and may consider the nature and circumstances of the crime with  
175 which such person was charged as a youth. Any defendant who makes  
176 application for participation in such program shall pay to the court an  
177 application fee of thirty-five dollars.

178 Sec. 5. Section 54-222a of the general statutes is repealed and the

179 following is substituted in lieu thereof (*Effective October 1, 2003*):

180 (a) Whenever a peace officer determines that a crime has been  
181 committed, such officer shall render immediate assistance to any  
182 victim of such crime, including obtaining medical assistance for [any]  
183 such crime victim if such assistance is required, shall present a card  
184 prepared by the Office of the Chief Court Administrator to [a] the  
185 crime victim [who has suffered physical injury] informing the crime  
186 victim of services available and the rights of crime victims in this state  
187 and shall refer the crime victim to the Office of Victim Services for  
188 additional information on rights and services.

189 (b) The Commissioner of Public Safety shall adopt regulations, in  
190 accordance with chapter 54, to implement the provisions of subsection  
191 (a) of this section.

192 Sec. 6. Section 54-230 of the general statutes is repealed and the  
193 following is substituted in lieu thereof (*Effective October 1, 2003*):

194 (a) Upon receipt of notice from an inmate pursuant to section 54-  
195 227, the Office of Victim Services shall notify by certified mail all  
196 persons who have requested to be notified pursuant to subsection (a)  
197 of section 54-228 and section 54-229 whenever such inmate makes  
198 application for release or sentence reduction or review. Such notice  
199 shall be in writing and notify each person of (1) the nature of the  
200 release or sentence reduction or review being applied for, (2) the  
201 address and telephone number of the board, [or] agency or court to  
202 which the application by the inmate was made, [and] (3) the date and  
203 place of the hearing or session, if any, scheduled on the application,  
204 and (4) in the case of an application to the sentencing court or judge for  
205 a reduction in sentence pursuant to section 53a-39, as amended by this  
206 act, the person's right to attend any scheduled hearing or to submit a  
207 written statement concerning whether or not the sentence of the  
208 inmate should be reduced, the inmate should be discharged or the  
209 inmate should be discharged on probation or conditional discharge.

210        (b) In addition to the notice provided pursuant to subsection (a) of  
211        this section, in the case of an application to the sentencing court or  
212        judge for a reduction in sentence pursuant to section 53a-39, as  
213        amended by this act, the Office of Victim Services shall provide each  
214        person who has requested to be notified pursuant to subsection (a) of  
215        section 54-228 and section 54-229 with a statement form to be used by  
216        such person for making and submitting a statement to the court or  
217        judge as provided in subdivision (4) of subsection (a) of this section.  
218        Such form shall be prescribed by the Office of the Chief Court  
219        Administrator and shall indicate that, if no hearing has been  
220        scheduled, the person has fifteen days from the date of the inmate's  
221        application under section 54-227 to submit the form to the court or  
222        judge in order for the person's statement to be considered by the court  
223        or judge.

224        ~~[(b)]~~ (c) Upon receipt of notice from a person pursuant to subsection  
225        (b) of section 54-227, the Office of Victim Services shall notify by  
226        certified mail all persons who have requested to be notified pursuant  
227        to subsection (b) of section 54-228 whenever such person files an  
228        application with the court to be exempted from the registration  
229        requirements of section 54-251 pursuant to subsections (b) or (c) of said  
230        section or files a petition with the court pursuant to section 54-255 for  
231        an order restricting the dissemination of the registration information,  
232        or removing such restriction. Such notice shall be in writing and notify  
233        each person of the nature of the exemption or of the restriction or  
234        removal of the restriction being applied for, the address and telephone  
235        number of the court to which the application or petition by the person  
236        was made, and the date and place of the hearing or session, if any,  
237        scheduled on the application or petition.

238        ~~[(c)]~~ (d) Upon compliance with the notification requirements of this  
239        section, the Office of Victim Services shall notify, on a form prescribed  
240        by the Office of the Chief Court Administrator, the board, agency or  
241        court to which the application or petition was made of such  
242        compliance.



243 [(d)] (e) Upon receipt of notice from the Department of Correction  
 244 pursuant to section 54-231, the Office of Victim Services shall notify by  
 245 certified mail all victims who have requested to be notified pursuant to  
 246 section 54-228 whenever such inmate is scheduled to be released from  
 247 a correctional institution. Such notice shall be in writing and notify  
 248 each victim of the date of such inmate's release. The victim shall notify  
 249 the Office of Victim Services of his or her current mailing address,  
 250 which shall be kept confidential and shall not be disclosed by the  
 251 Office of Victim Services.

252 Sec. 7. Section 54-230a of the general statutes is repealed and the  
 253 following is substituted in lieu thereof (*Effective October 1, 2003*):

254 (a) Upon receipt of notice from an inmate pursuant to section 54-  
 255 227, the Department of Correction shall notify by certified mail all  
 256 persons who have requested to be notified pursuant to subsection (a)  
 257 of section 54-228 and section 54-229 whenever such inmate makes  
 258 application for release or sentence reduction or review. Such notice  
 259 shall be in writing and notify each person of (1) the nature of the  
 260 release or sentence reduction or review being applied for, (2) the  
 261 address and telephone number of the board, [or] agency or court to  
 262 which the application by the inmate was made, [and] (3) the date and  
 263 place of the hearing or session, if any, scheduled on the application,  
 264 and (4) in the case of an application to the sentencing court or judge for  
 265 a reduction in sentence pursuant to section 53a-39, as amended by this  
 266 act, the person's right to attend any scheduled hearing or to submit a  
 267 written statement concerning whether or not the sentence of the  
 268 inmate should be reduced, the inmate should be discharged or the  
 269 inmate should be discharged on probation or conditional discharge.

270 (b) In addition to the notice provided pursuant to subsection (a) of  
 271 this section, in the case of an application to the sentencing court or  
 272 judge for a reduction in sentence pursuant to section 53a-39, as  
 273 amended by this act, the Department of Correction shall provide each  
 274 person who has requested to be notified pursuant to subsection (a) of

275 section 54-228 and section 54-229 with a statement form to be used by  
 276 such person for making and submitting a statement to the court or  
 277 judge as provided in subdivision (4) of subsection (a) of this section.  
 278 Such form shall be prescribed by the Office of the Chief Court  
 279 Administrator and shall indicate that, if no hearing has been  
 280 scheduled, the person has fifteen days from the date of the inmate's  
 281 application under section 54-227 to submit the form to the court or  
 282 judge in order for the person's statement to be considered by the court  
 283 or judge.

284     ~~[(b)]~~ (c) Upon receipt of notice from a person pursuant to subsection  
 285 (b) of section 54-227, the Department of Correction shall notify by  
 286 certified mail all persons who have requested to be notified pursuant  
 287 to subsection (b) of section 54-228 whenever such person files an  
 288 application with the court to be exempted from the registration  
 289 requirements of section 54-251 pursuant to subsections (b) or (c) of said  
 290 section or files a petition with the court pursuant to section 54-255 for  
 291 an order restricting the dissemination of the registration information,  
 292 or removing such restriction. Such notice shall be in writing and notify  
 293 each person of the nature of the exemption or of the restriction or the  
 294 removal of the restriction being applied for, the address and telephone  
 295 number of the court to which the application or petition by the person  
 296 was made, and the date and place of the hearing or session, if any,  
 297 scheduled on the application or petition.

298     ~~[(c)]~~ (d) Upon compliance with the notification requirements of this  
 299 section, the Department of Correction shall notify, on a form  
 300 prescribed by the Office of the Chief Court Administrator, the board,  
 301 agency or court to which the application or petition was made of such  
 302 compliance.

303     Sec. 8. (NEW) (*Effective October 1, 2003*) The prosecuting authority,  
 304 upon receiving notice of the filing of an appeal or other postconviction  
 305 remedy arising from a criminal matter by a defendant convicted of any  
 306 crime, shall promptly inform any victim of such crime in writing, by

307 certified mail, of such appeal or postconviction remedy, provided the  
 308 crime victim has requested notification and has provided a current  
 309 address to the prosecuting authority. The prosecuting authority shall  
 310 also provide such crime victim with the following information: (1) A  
 311 brief explanation of the appellate or postconviction process, including  
 312 the possible disposition of the case; (2) whether the defendant has been  
 313 released on bail or other recognizance pending the disposition of the  
 314 appeal or postconviction proceeding; (3) the date, time and place of  
 315 any hearing, any subsequent change in the date, time and place of the  
 316 hearing and the crime victim's right to attend such hearing; and (4) the  
 317 result of the appeal or postconviction proceeding.

318       Sec. 9. (NEW) (*Effective October 1, 2003*) The prosecuting authority,  
 319 upon receiving notice of the filing of an appeal or other postconviction  
 320 remedy arising from a delinquency matter by a juvenile convicted as  
 321 delinquent, shall promptly inform any victim of the juvenile's  
 322 delinquent act in writing, by certified mail, of such appeal or  
 323 postconviction remedy, provided the victim has requested notification  
 324 and has provided a current address to the prosecuting authority. The  
 325 prosecuting authority shall also provide such victim with the  
 326 following information: (1) A brief explanation of the appellate or  
 327 postconviction process, including the possible disposition of the case;  
 328 (2) whether the juvenile has been released on bail or other  
 329 recognizance pending the disposition of the appeal or postconviction  
 330 proceeding; (3) the date, time and place of any hearing, any  
 331 subsequent change in the date, time and place of the hearing and the  
 332 victim's right to attend such hearing; and (4) the result of the appeal or  
 333 postconviction proceeding.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>

Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>

***Statement of Purpose:***

To require a probation officer to notify a crime victim when a defendant has violated a condition of the defendant's probation and allow the victim to address the court regarding disposition; to require the court, rather than the defendant, to notify a crime victim of a defendant's application for accelerated rehabilitation; to require peace officers to present a victim's services and rights card to all crime victims rather than to victims who suffered physical injury; to require a sentencing court to extend a reasonable period of time for a crime victim to respond to a defendant's application and to notify crime victims of the determination made by the court concerning any reduction of a defendant's sentence or discharge of the defendant; to require notice and information to a crime victim regarding an appeal or other postconviction remedy in a criminal or juvenile delinquency matter; and to make technical changes.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*